



CHAPTER 64

An Act to amend the Act respecting the extension of collective labour agreements

[Assented to, the 18th of May, 1935]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Collective Labour Agreements Extension Act (24 George V, chapter 56) is replaced by the following: 24 Geo. V, c. 56, s. 2, replaced.

"2. The Lieutenant-Governor in Council may order that a collective labour agreement, made between, on the one part, one or more associations of *bona fide* employees according to the decision of the Minister of Labour, and, on the other part, employers or one or more associations of employers, shall also bind all the employees and employers in the same trade, industry or business, provided that such employees and employers carry on their activities within the territorial jurisdiction determined in the said agreement. Lt.-Gov. in C. and extension of collective labour agreement.

Whenever an order is made under the preceding paragraph, the only provisions of the collective labour agreement which thus become obligatory, upon the classes of employees and employers concerned, are those respecting rates of wages, hours of labour, apprenticeship, and the proportion in a given undertaking between the number of qualified workmen and that of apprentices. The order shall remain in force during the same period of time as the collective agreement." Obligatory provisions.

2. Section 3 of the said act is amended by adding thereto the following paragraph: 24 Geo. V, c. 56, s. 3, am.

Accepting of one petition for several agreements. "By reason of the great number of the contracting parties, the Minister of Labour may, in certain cases, accept such petition accompanied by several collective agreements, provided that the provisions to be made binding are not contradictory."

24 Geo. V, c. 56, s. 4, am. **3.** Section 4 of the said act is amended by inserting therein, after the word: "Council", in the eighth line of the second paragraph thereof, the words: "with, if need be, the changes which he may deem expedient".

Id., s. 6, am. **4.** Section 6 of the said act is amended by replacing the words: "or industry", in the fourth line of the first paragraph thereof, by the words: ", industry or business".

Id., s. 7, am. **5.** Section 7 of the said act is amended:
a. By adding thereto, after the word: "concerned", in the eighth line of the second paragraph of subsection 1 thereof, the words: "; (c) to levy upon employers only, engaged in trade or industry, or upon employers and employees, subject to a collective labour agreement made obligatory, the sums necessary for the application thereof; such levying to be made subject to the following conditions: (1) the mode and the tariff of the levies and the estimate of the receipts and expenses must be approved by the Lieutenant-Governor in Council; (2) such levies shall never exceed one-half of one per cent of the workman's salary and one-half of one per cent of the employer's pay-list; (3) the joint-committee shall make a quarterly report, certified by a chartered accountant, to the Department of Labour, of the sums collected and of their use; (4) at the expiration of a collective agreement or in the case of non-renewal thereof, the available balance of the funds of the joint-committee shall be transmitted to the Department of Labour which shall act as trustee";

b. By adding thereto, after subsection 3 thereof, the following subsection:

Joint-committee to constitute corporation. "4. The joint-committee formed under this act shall constitute a corporation and shall possess the powers of an ordinary corporation, for the purposes of the carrying out of this act."

24 Geo. V, c. 56, s. 8a, added. **6.** The said act is amended by adding thereto, after section 8 thereof, the following:

Right of action by workmen, etc., in certain case. "**8a.** If, contrary to the foregoing section, the joint-committee does not consider it opportune to establish, for the whole or a part of the territorial jurisdiction determined,

the board of examiners, provided for in subsection 2 of section 7, the workmen or apprentices shall have the right to exercise the civil claims which may belong to them in virtue of a collective agreement made obligatory, on their sworn declaration that they are, according to the custom of the trade, experienced workmen or undergoing apprenticeship; for the purposes of this section, the maximum effective duration of the apprenticeship shall be five years.

Unqualified labourers or workmen are not bound to produce such declaration.”

Unqualified labourers, etc.

7. Section 10 of the said act is amended by striking out the words: “and the day labourers or the workmen who do not specialize”, in the first and second lines of the first paragraph thereof.

24 Geo. V, c. 56, s. 10, am.

8. The said act is amended by adding thereto, after section 10 thereof, the following sections:

Id., ss. 10a-10c, added.

“10a. If the joint-committee so decide, the certificate of competency, whether issued by the board of examiners as provided in subsection 2 of section 7, or by an association of employees, as provided in section 10, shall be obligatory in every municipality of over ten thousand souls according to the last census of Canada, for the workmen and apprentices of the trade or industry contemplated. No employer in the said trade or industry, in the above indicated municipalities, may, in such case, make use of the services of any workman who does not hold his certificate of competency.

Certificate of competency may be obligatory in certain municipalities.

“10b. The joint-committee or its members cannot be held civilly liable for the damages which an employer, subjected to an agreement, may suffer through a suit unfounded in fact but brought in good faith.

Non-responsibility of joint-committee.

“10c. Claims, under this act, by an employee, a workmen’s association or a joint-committee are prescribed by six months. Every action in repetition, besides the provisions of this act, shall be decided according to equity and good faith.”

Prescription of claims, etc.

9. The said act is amended by adding thereto, after section 14 thereof, the following sections:

24 Geo. V, c. 56, ss. 14a-14c, added.

“14a. 1. Every person, association or corporation violating the provisions of an agreement made obligatory, as regards wages, must pay to the joint-committee in charge

Paying of liquidated damages to joint-committee.

of the carrying out of such agreement, as liquidated damages, an amount equal to twenty per cent of the wage claim, as established by a judgment of the court.

Application. The provisions of the preceding paragraph shall apply in the same way and to the same extent to the workman who has, willingly or tacitly, agreed to work at a reduction;

Offences and penalties. 2. Every person, association or corporation violating any provision of a collective agreement made obligatory, other than the tariff of wages, commits an unlawful act and shall be liable, on summary conviction, to a fine not exceeding ten dollars and costs, for the first offence, and to a fine not exceeding fifty dollars and costs, for the second and subsequent offences;

Idem. 3. Every person, association or corporation deliberately transmitting a false return to a delegate acting as inspector on behalf of a joint-committee, or refusing to transmit to him, within a reasonable delay, necessary information as to the carrying out of the provisions of an agreement, or preventing such delegate from performing his duties, commits an unlawful act and shall be liable, on summary conviction, to a fine of not less than twenty-five dollars and costs, for the first offence, and to a fine of not less than fifty dollars and costs, for the second and subsequent offences;

Idem. 4. Every employer or employee who does not comply with the provisions of section 10*a* commits an unlawful act and shall be liable, on summary conviction, to a fine of five dollars and costs for the first offence, and of ten dollars and costs for the second and subsequent offences.

Who make take proceedings. Only the joint-committee appointed to supervise the carrying out of an agreement is authorized to take proceedings in virtue of this section.

Binding conditions upon building industry. “14*b*. The building industry shall be bound by the following two conditions:

a. No collective agreement made obligatory can apply to the agricultural industry;

b. The workmen entrusted with the maintenance of churches, chapels, seminaries, colleges, convents, monasteries, hospitals, orphanages, asylums, *crèches*, or any other charitable institution, or with the maintenance of immovables for the most part or wholly utilized as manufacturing establishments, if they are permanent employees, may be remunerated at a lower hourly wage than the rate in the agreement. Such agreement must contain provisions for remuneration taking into account the permanency of the employment and the payments given in kind.

"14c. No collective agreement may fix, for female workers, an hourly rate of wages inferior to such rates fixed by an order of the commission under the Women's Minimum Wage Act (Revised Statutes, 1925, chapter 100)."

Collective
agreements
and
Women's
Minimum
Wage Act.

10. This act shall come into force on the day of its sanction.

Coming into
force.